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FULTON DENIES EVERY CHARGE MADE BY HENEY

Fulton: "I will say that Heney has deliberately told what is false about my connection with the Hall case. Further, I never was attorney for the Hammond Lumber company, and no one knows this better than Francis J. Heney."



Disclaims All Connection with Passing at the time. I had heard that this felof Bribe Money

For over 32 years-near a third of a had been searched with microscopic care.

Stinging Reply to Prosecutor Arouses Intense Interest Throughout Oregon - Situation Becomes More and More Involved as **Controversy Reaches Acute Stage**

I know that men under indictment-yes, under conviction-have been as-sured of immunity and pardon if they would but testify to sometoing that would criminally involve me. Fortu-nately they failed to accomplish that, so the scandal mill was started up. Now, I submit to any candid mind that there are at least three convincing and

there are at least three convincing and, I think, conclusive reasons why that story, so far as 1 am concerned, is not

Gives Three Reasons.

First-It is manifestly false that I should have gone out into the public lobby of the statehouse and entered into an altercation with Smith about such a matter, or should there have such a demanded the return of the money and threatened him with violence,

Second-While possible, it is alto-gether improbable that, had we been engaged in such business, we would . engaged in such business, we would have taken Powell, a stranger and third party, into our confidence, talked it over in his presence and sent the money by him, and thus added to the danger of detection, when Smith was there himself, willing and anxious to Third-fhe very fact that I, in after years, in the very midst of my own con-

test for reelection to the senate-marae-iy, in January, 1993-went to the Lemo-cratic governor and told him anything about ft, makes it clear that I myse'f was not implicated, for surely I would ot in such circumstances have deliberately involved myself.

The Governor's Statement.

And that brings me to a considera-on of Governor Chamberiain's state-ent. 1 take it as he is quoted directly ment. in The Portland Journal and in the Salem Journal. He says it was during Salem Journal. He says it was during the session of the legislature in Janu-ary, 1903, hence while my contest for election was in progress, that I came into his office, where he and his pri-vate secretary were. That I said I knew Smith to be a grafter; that ...e had taken Mitchell's money and violated his agreement, placing stress on that fact; that I did not mention the amount, but said I knew he had taken the money. Heney quotes the governor as saying

ow Smith was an applicant for the of-fice of warden in the penitentiary. I had heard sufficient about his robbery

of Mitchell to satisfy me to apmoral cer-tainty that he had deliberately applied for and received the money. I thought and said to myself, "The governor ought to know this." I felt that not only was it my duty to tell him, but that he would be obliged to me for tell-

the people

dally

surance.

Fight for Organization.

Now, it may be well to recall that the contest of 1897. was exceptional. It was not a fight for votes for sen-ator, it was a fight for and against organization. Mitchell was seeking to

alor, it was a fight for and against organization. Mitchell was seeking to secure organization and his opponents were laboring to prevent it. Whatever money was used was not used to pur-chase votes, but either to induce men who had been elected to the house to tako their oath of office or to refuse so to do. Everybody knows that Mitchell had sufficient votes to elect him, if ever a ballot should be taken; but un-til the house should effect a perma-nent organization, no ballot could be taken, hence the fight was, on one hand, to get 40 members to qualify; on the other hand, to prevent those members from qualifying. The feel-ing was intensely bitter and no doubt sides which they regreted thereafter. It was a matter of common knowledge that men were being paid large sums dails for members out and rouge sums

t was a matter of common knowledge hat men were being paid large sums aily for remaining out and refusing o qualify, in order to prevent the as-embling of a quorum in the house. But othing could be done to prevent it, for was not a violation of any law to

ay a man not to accept an office 10 which he had been elected.

Not Bribed to Vote.

Now let us see what Smith charges in ...s affidavit Mitchell and I did. He says: 'Fulton said to me in Mitchell's hearing and presence, 'I will give you \$3,000 and pay you \$1,500 of that amount down right now if you will go into the house tomorrow and make a speech that you think there has been enougn of this delay and urge that the members take action and vote for Mitchell for United States senator,' and to this he says 'Mitchell added his as-surance.'

So then, he was not, according to his

So then, he was not, according to his own statement, asked to vote for Mitch-ell himself, but he was to go into the house—that is, take his eath of office and official seat—and advise against further delay and recommend that the members at once end the "hold up" and elect Mitchell. Well, even if Mitchell del offer to pay Smith and did pay him to qualify and take his seat so as to make a quorum, even to make a speech for him, it would not have been a violation of law. I do not defend such a transaction and I never engaged in one. But we all

I do not defend such a transaction and I never engaged in one. But we all know how bitter were those old fac-tional contests, and we know by com-mon report that men of the highest character, whose honor in other mat-ters was never questioned, went to lengths and did things which they ho doubt restrated ever after. In the old

loubt regreted ever after. In the old Dolph-Mitchell contest of 1895 and in the Mitchell-Corbett fights thereafter.

we all know what charges and counter-charges were made. In the heat of such a contest, honorable men often go too far. So in the contest of 1897-

Senator Fulton at the First Congregational church on Tuesday evening, January 28. In opening his speech Heney paid tribute to Oregon for its efforts at reform, both in general conditions and laws. He praised the direct primary law, the initiative and referendum, and then turned his attention to Senator Fulton. The 🔶 gist of the charges made is as follows

Heney charged that Fulton in 1897 was the sack holder of John H. Mitchell, and distributed the funds

An affidavit made by A. W Mead, who during the holdup session of the legislature in 1897, was hired to aid th holdup, was presented setting forth that Ful-. ton had paid him for his serv-٠ ices in behalf of Mitchell. A second affidavit was read

which had been made by J. S. ٠ Smith, former representative from Linn county. Smith swore ٠ that he had visited Fulton and • Mitchell and had been paid \$1,500 ٠ in money, and promised \$1,500 more to vote for Mitchell. Smith swore he took the money to trap Fulton and Mitchell, and then refused to vote, whereupon Fulton threatened him with bodily ٠ bodily harm ٠

H. L. Barklay's affidavit was read, telling of his knowledge of the Smith bribery.

A statement from Governor Chamberlain was read, detailing the visit made by Fulton to Chamberlain, in which the senator tried to prevent the appointment of Smith as warden at the penitentiary, claiming Smith was not fit.

Fulton's connection with the Burke-Goslin land deal was

such a scene occurred in that place, would not the newspapers of that even-I ing and the following morning have been full of it as a great sensation? The lobby was, of course, as usual at that time, as the capitol was, alive with

the most bitter ever waged in Oregon-men were at white heat. Money Was Used. that time, as the capitol was, alive with bright, vigilant newspaper reporters, and yet this remarkable scene escaped them. It may well be that I on some occasion talked with Smith in the lob-by possibly argued with and urged him



Heney: "I will prove that Senator Fulton does not represent the people but the 'interests' at Washington. Fulton was mixed up with Hall and others and was attorney for the Hammond Lumber company, and this he cannot deny."



FRANCIS J. HENEY.

Brownell's Part in Legislative Machinations of 1903 Mentioned in Document -Governor Chamberlain's Reply

nothing wrong about it and approves son, company, firm or corporation en-the governor's action. gaged in acquiring timber lands or other public Lacks Data for Beply Gosslin-Burk case, of which he It is not possible for me in this arti-cle to take up every item of Heney's The speaks and tries to make so much, prosecution instituted against them standing attack, besides much of the data I refor having caused a number of persons to file on certain timber lands in Tilla-mook county. There was a race bequire is in Oregon and cannot be had here. He charges that I was Mitchell's sack-holder and as evidence thereof presents an affidavit of one Mead, who tween them and the Northern Pacific Railway company, it seems, as to which would first locate scrip thereon, and presents an arritation one mead, where states that he and others were sent by the chief of police of Salem to guard the assembly room and keep one Davis from occupying the chair; that they were told they would have to look to would to hold the land until they could place the scrip thereon it seems they had these filings made without any intenthe Mitchell faction for their pay, and that he came to me, demanded \$10 per day and I allowed him but \$6 tion of proving up or attempting to _c-quire title to them. How far that was a violation of law is a question, but in had forgotten how the men were or I had known Gosslin and Burk many came to be employed until I received years. Gosslin lived in Astoria, where a letter from Judge Henry L Benson informing me that he as the temporary an employe of the railroad there. I speaker of the organization saching to instant to insta 1 recall something of the matter, but any event Hall had them indicted. an employe of the railroad there, nappened to be in Portland, and one came to me and asked me to look secure permanent organization, learning that those opposed to organization of and contemplated taking possession of and holding the room, called on the chief of police for protection and that he that he was then absent from the state, so it must have been some of Mr. Ham-mond's office force.

with numerous and notorious charges of bribery and lavish expenditure of money.

My election occurred at the January mitted to come to trial until now

to spend, but my friends offered to provide money for me. I declined it, saying that it was my ambition to be elected without the use of money; to go to the senate with clean hands and free of obligation to any and every in-I did so.

It has been left to Mr. Heney to bring the first charge that has ever been made against my char-acter for integrity. One thing observ-able, however, of his several charges against me is that I am accused in was nothing left every instance of trying to help a trifiend. In not a single matter is it ralleged that I was seeking to advance J alleged that I was seeking to advance my own interest or was in anywise to profit by the result. If I have sinned as he would have the people believe, it has not been for my own advantage or profit, but to aid a friend. Well. I would much prefer it so. I confess to warm and strong friendships, and I have ever been willing to do mere for a friend than for myself. I am glad of it, and it is the great solace of my life that, though I have not made money or accumulated wealth, I have made and I have my friends. But Mr. Heney contends that I have gone too far for my friends and have

gone too far for my friends and have been guilty of conduct which renders me unworthy of the confidence of the people of Oregon, and he would have it appear that he is actuated by a high sense of public duty in bringing this sense of public duty in bringing this to public attention. It seems quite proper and pertinent, therefore, to in-quire what his real motive is.

Questions Heney's Motives.

Those who have read Mr. Heney's blography by his chosen blographer, Mr. Steffens, will have discovered that so far from being actuated by lofty motives throughout his career, he is a man of most accommodating and ad-tratable principles, obsessed by an irre-pressible ambition to stand in the lime-light. Whatever may have been his

light. Whatever may have been his motive on other occasions, however, in the present instance it is idle for him is present to be animated by any mo-tive that is either creditable to him as a man or as an official. His mo-tive then, let it be known, is twofold— revenge and politics. Hevenge, because I opposed his ap-nointment to the work of assistant pros-ceutor, and insisted on the spoointment of an Oregon man. Dan J. Malarkey, and because when Heney was appointed twotre and published a letter severely consuring the action. Later I had oc-casion to criticise the then secretary of the interior for his manner of adminis-tering the irrigation fund. Thereupon, Mr. Heney and Mr. Hitchcook decreed that I was to be destroyed and the be destroyed and the I was to thele power of the government was en-sted to that end. Special agents and etectives were put at work to find omething against me and every few ponths some vile slander was published. promptly met and refuted every the

State R. I.

contury—I have resided in the state of Oregon. During 14 years of that fime I was a member of the state senate, and for a quarter of a century more or less active in the politics of the state. During most of that period the negative state any time during all those stormy days did even my most bitter enemies bring in ques-tion my honor or integrity. During the 20 years previous to my election to the senate every contested election of the senate every contested election of

My election occurred at the January session, 1903, and was noted for hav-ing been conducted in a decent and honorable manner, without scandal and without the use of money. It was so because I insisted that it must be so. I stated many times that, could I not secure the office without the use of money, I did not want it. No Money to Spend. It is quite true that I had no money It is quite true that I had no money It is quite true that I had no money It is hand and did not wish to

But, manifestly, Smith's story on its So, if the conspiracy was to be car-ried out and its purpose achieved, there was nothing left to do but hire a hall, tap the sewer and turn the stream on Fulton. Thereupon, this poor creature, J. S. Smith, was brough: upon the stage. Had I not sought to prevent his appointment by the governor to a deputy wardenship? Was not here an oppor-tunity to get even? Certainly. Basides, he was helping the governor, and the governor net only approved that, but as well approved and honored him for his admitted, deliberate filching of Mitchell's money. Therefore, what had he to fear? Manifestly, nothing to fear Manifestly, nothing to fear

a session of head because a sufficient number of housemembers to constitute a quorum did not qualify, the late Senator Mitca-ell and I, in the presence of one James Powell, offered him (Smith), a member powell, offered him (Smith), a member

That the next morning he was out in the state house lobby, where n other people were, when I came other people were, when I came and insisted on him going into house, and on his refusal, in a in a loud volce, and in a manner which attracted the attention of the crowd, demanded the money back and threatened him with violence.

violence. That he had deliberately sought an opportunity to take the money, not intending to comply with

his agreement. Malicious Falschood.

Such is Smith's tale. Of course, the telling and publication at this time of a transaction which it is alleged oc-curred 11 years ago, when I was not even a candidate for the senate—when was not even, as Heney asserts a member of the legislature—is pursuant to the aforesaid conspiracy to destroy to the me and to elect somebody else. Now, I say to the people of Oregon that, sa as as my alleged participation in that transaction is concerned, the story is a deliberate cond method.

Calls Smith "Poor Creature."

But, manifestly, Smith's story on its face is false. He states that he, Mitchell, Powell and myself were pres-ent when I proposed to pay \$3,000, one-half cash, if he would go in and help organize. Is it probable that I would make such a propestion in the pres-ence of so many persons? Further on he says that on the following morning, while he was in the state lobby, where there were evidently many other people. I came to him and demanded that he should go into the house and comply with his agreement, and, on his retugal.

and revenge to gain. So on the stage came Heney, Smith and the governor, and Smith told his story, namely, that 11 years ago, six years before I was elected senator, ct a session of the legislature which was never held because a sufficient number

Powell, offered him (Smith), a member who had not qualified, \$3.000, one haif down, if he (Smith) would qualify and take his seat, make a speech advising against further delay in organization and advise the members to get to-gether, organize and elect Mitchell, and that he told us to give the money to Powell for him, and that shortly there-after the latter brought him the money. That the next morning he was out in

Tended control of the government was entropy to descroy to descr

by, possibly argued with and urged min to go in and qualify. At one time or deed, current reports credited the sup-another I suppose I talked and argued with almost, if not every, member who of it as well, to men of high standing was staying out. But, this story of in the state. These are unpleasant Smith's is an impossible occurrence and

person believe, that, had I been a party to the payment of the money, directly or indirectly, I would have mentioned it to Governor Chamberlain? Rememwould take advantage of it for politi-cal purposes—in order to play small contest for the senatorship and he was politics. But let that pass, Governor, the Democratic governor, whose election spiracy that the used as a medium through which to injure me by insinuation and inuendo. Hence, although indicted three years is go or thereabout, Hall was not permitted to come to trial until now. I twas advertised widely that, in the trial of the Hall case, "facts against Fulton would come out." But no facts came. The thunder was all in the in-

Fulton would come out." But no facts came. The thunder was all in the in-dex. It then became necessary to play a desperate game. The object, as stated, was not enly revenge, but politics as well, for Mr. Heney is a Democrat. The political phase, however, more espe-cially represented the governor's in-terest in the game. Evidently he did not like his hand and did not wish to play it if possible to avoid so doing. But every other device and expedient in the fencing conspiracy case, except-ing Hall, had been let off in considera-tion of giving testimony for the pros-ecution; still nothing was forthcoming against Fulton. Set the state is the source of the saying. "Smith's story. Sidered perfectly on moral turprude." Denies Smith's Story. long past to be made to do duty at this particular time? The answer is patent. Denies Smith's Story.

For political purposes.

Clean Campaign.

I am proud of the fact that the cam-paign I made for my own election is known as one of the cleanest ever made in Oregon. No charge of the use of money therein was ever while and in Oregon. No charge of the use of money therein was ever even whispered. Had I desired money, I could have had it, for my friends offered several times to raise money for me, as I can, if nec-essary, prove. I declined to accept it, for I feit that, if I could not be elected without its use, I did not want the of-fice. It was my ambition to come to the senate with clean hands and free of obligations to every interest. I so came and in a "loud volce" interaction of the crowd. Is not that utterly absurd? Is it pos-sible that any person will believe that I would talk on such a subject in such a place and manner? Would I have so recklessly jeopardized my reputation recklessly jeopardized my reputation recklessly jeopardized my reputation in order to get the money. The system of electing been objectionable to me because of the be appointed to office.

organization Mitchell well knew. deed, current reports credited the

Asks Questions. Then is not the fact that I went to the governor as I did proof conclusive that I personally was conscious of in-nocence? Would I otherwise have men-tioned to him such a subject? Can any no long. I am thankful the such a subject?

moment that the unearthing of these scandals of the olden time is being done for a patriotic purpose? Is any-one so verdant as to suppose Heney alone is concerned in it? Of course alone is concerned in it? Of course he was and is a willing tool. He saw an opportunity for revenge and sensa-tion; that his part was an infamous one mattered not to him. And then he is a Democrat, has been all his life. True, within the last few weeks he has announced that he has become a Republican. Why so suddenly change? He did not even announce it until his recent visit to Oregon. Was it that he though he could play the part better as a professed Republican? Or was it that he thinks he sees greater oppor-tunity for political advancement as a Republican? Probably both. But is it not strange that this man who pro-fesses so much lofty purpose and high

sent the guard.

not strange that this man who pro-fesses so much lofty purpose and high ideals could see nothing to censure in the act of the governor in appointing to a responsible office one who con-fessed he had deliberately promised to fessed he had deliberately promised to had one. Indeed it was always my im-had one. Indeed it was always my im-had one. Indeed it was always my imaccept money to qualify for an office with intent to secure the money and violate the promise? Could see no with and nothing to end with. moral obtuseness in a man who could

see 'no moral turpitude" in such act? Here was a man elected to the legis-lature who refused to qualify and take his seat lest by so doing he should contribute to the organization of the house to which he had been elected. Why he was so refusing is an in-teresting question. He had not the excuse of the Republican members, for they were waring a factional war. excuse of the Republican members, for they were waging a factional war. He was a Populist and without interest in the factional contest. It was no-torious that large sums of money were being spent to influence members to remain out. He remained out. He un-derstood money would be paid to one who would go in. He wanted money. He therefore promised to go in and on that promise got the money, so he himself says; but he did not intend to go in; he only intended to deceive in order to get the money.

in order to get the money. The governo could see 'no moral turpitude' 'n that, and no reason why he should no Heney

moral aspects of the whole

tion

speaker of the organization seeking

Paid Police for Mitchell.

I had nothing to do with it, but I do recall some of the men coming to me about their pay. The chief contended that he had no authority to pay or charge it to the city. I saw Mitchell and he agreed to pay the men, rather than have any ill feeling over the mat-ter. I settled the matter for him and he gave the money. I never heard of

I regret that I am compelled to answer Heney's attack at so long range. I find it impossible at this distance to secure information and data that would be at hand were I in Oregon. would be at hand were I in Oregon. When I reach Oregon I shall take this matter up more fully. But, after all, it is difficult to prove a negative. I shall venture to hope that the charac-ter and reputation I have heretofors enjoyed will avail something against attacks that are so manifestly ma-licious. Indeed I shall but briefly an-ever until my return when I propose to go before the pcople of Oregon in defense of my name. I care little for the office of senator. I care every-thing for my good name. Briefly as possible I will now refer to the other charges.

Hammond Lumber Company. Mr. Heney drags into this controversy the Hammond Lumber company and a

case of the United States against Wil-liam G. Gosslin, W. E. Burk et al. Ab-solutely no reason for it, excepting the fact that these men, were arrested in 1899 and I was retained to defend them. He asserts, without the slightest evi-dence on which to base the assertion. dence on which to base the assertion, that I was the attorney for the lumber company, and implies that in some way I was responsible for any improper con-duct on the part of any representa-tives of that company in acquiring land. The fact is, I was not at any time in its history the attorney for that com-pany, except possibly in one case. I am not certain that I ever represented it to that extent, but I recall one case in which I appeared for a number of defendants, and am not certain whether that company was one of them or not. I never advised it or any of its offi-cers in regard to its purchases of land,

cers in regard to its purchases of land and never saw one of its deeds or ab stracts. In fine, never was its legal adviser. It never at any time paid me a single, dollar-never. . I can prove that absolutely. That is not all. The These telegrams taken together are sufficient to show that my statement concerning the Smith transaction was not made for the purpose of injuring Senator Fulton in his present campaign, any more than the facts were used by me to injure him during his senatorial candidacy before the legislature of 1963. The facts were not used then and so far as L am concerned were only used same is true as to Mr. Hammond and all other companies in which he has been or is interested, excepting the Astoria & Columbia River Railroad company. In his speech against me Mr. Heney talks of the railroad company as a land purchaser and seeks to give

far as I am concerned were only used in the course of an investigation two years ago by the federal authorities. "That Senator Fulton made the prothe impressions that it was a large purchaser of timber lands. It never in its history, to my knowledge, either di-rectly or indirectly, purchased any real estate whatever, outside of its station test against Smith's appointment to a position in the peniteptiary and that the grounds for his protest were as stated

grounds and terminals. Does Not Own Timber.

me are practically admitted by him Chere is nothing further in referen the matter that I care to say. I leave it to the people to determine the whole controversy and to decide as to the transac

Had Filings Canceled.

Be that as it may, I said I could not secure bonds for the parties in Port-land—indeed, probably could not come up to defend them when the case came on for trial and on for trial—and so suggested that Judge McGinn be retained and I was authorized to see and retain him. I saw him and he secured bonds for the parties. I suggested an immediate can-cellation of the filings and a compro-mise with the government on those lines, and took the matter up by fitter with Mr. Hall and the department of the interior. I also personally saw Judge Bellinger and explained the case to him. He advised, under the circum-stances, that the case be dismissed, and after some correspondence with the deafter some correspondence with the de-partment that was done. Now, I am at an utter loss to know what possible impropriety there was in all that. The truth is I never thought I did enough in the matter to charge a fee. I felt personally friendly to Gosslin, who had personally friendly to Gossiin, who nation often accommodated me; hence I never put in a bill either to him or Mr. Ham-mond, or any of his companies. I thought so little of my part in the mat-ter. I never got a cent, directly or in-directly, out of it. That which I did I did in the utmost grad faile.

did in the utmost good faith. I have none of the correspondence here: it is all in Oregon. But in one of the letters introduced by Mr. Heney, written by me to Tall, suggesting the compromise and dismissal I see that I said: "If there is anything inconsist-ent with your duty in this, I will not ask it."

Alleges Mallos.

Now, why should such a matter be brought forward and flourished as an indication of wrongdoins? Malice-nothing but pure malice-could prompt such action. It all occurred in 1899, years before I was elected to the sen-ate. I should state that the office of the Hammond Lumber company was in the Hammond Lumber company was in Portland, and all its business was transacted there: hence, if it had any lawyer attending to its land business it was doub*less some Portland attor-

Mr. Heney says, as senator, whom do I represent? Then answers by saying that I oppose the forest reserve policy because my client, the Hammond Lumbecause my client, the Hammond Lum-ber company, is purchasing timber lands. That statement fairly illustrates Mr. Heney's utter disregard for facts. He had no reason to make the state-ment, did not, could not, know it to be a fact, for it is not and never was a fact. As stated above, I am not and never was attorney, for the Hammond Lumber company, or any other timber Lumber company, or any other timber buyer. I have not opposed the forest reserve policy, but have opposed its administration and also the incorpora-tion into the reserves of untimbered lands.

Is Not Practicing Law.

So far as clients are concerned. I ceased the practice of law immediately on my election to the senate. I have since then tried but three or four cases. Does Not Own Timber. It does not, either directly or indi-fectly, own, and never has owned, an acre of timber lands. Were it possible to make this statement in broader, mere sweeping language, I would do so, for I have never been attorney for any per-

CHAMBERLAIN REITERATES STATEMENTS ABOUT FULTON

Governor Chamberlain made the fol-lowing comment when shown yesterday the text of Senator Fulton's reply to the charges of F. J. Heney: "The intimation in Senator Fulton's reply to Mr. Heney is that my state-ment was made to Mr. Heney is that my state-ment was made to Mr. Heney is that my state-ment was made to Mr. Heney is that my state-ment was made to Mr. Heney is that my state-ment was made to Mr. Heney is that my state-ment was made to Mr. Heney is that my state-ment was made to Mr. Heney is that my state-ment was made to Mr. Heney is that my state-ment was made to Mr. Heney is said that ments as credited therein to you, after the time when it is said that money was paid to J. S. Smith, and that

I made the statement Io. I made the stateme

"The next day I sent the following

after the time when it is said that money was paid to J. S. Smith, and that 1 made the statement for political pur-poses and to aid in accomplishing Sena-

with his agreement, and, on his refusal, I demanded repayment of the money and in a "loud volce" threatened him with violence and so conducted myself as to attract the attention of the cound